



CITY COUNCIL STAFF REPORT

DATE: October 2, 2013

CONSENT CALENDAR

SUBJECT: APPROVE AN APPEAL OF THE PLANNING COMMISSION'S DECISION BY DONALD SKEOCH TO OVERTURN THE DENIAL OF A CONDITIONAL USE PERMIT FOR A LIGHTED TENNIS COURT AT THE ESTANCIAS DEVELOPMENT LOCATED AT 3182 LAS BRISAS WAY. CASE NO. 5.1285 CUP

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

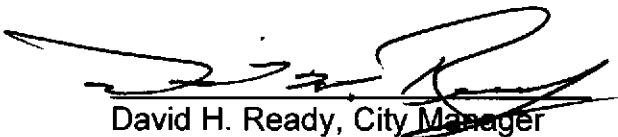
The City Council will consider the resolution approving an appeal by Donald Skeoch seeking to overturn the Planning Commission's denial of a Conditional Use Permit Application to allow a lighted tennis court within the Estancias Development at 3182 Las Brisas Way.

RECOMMENDATION

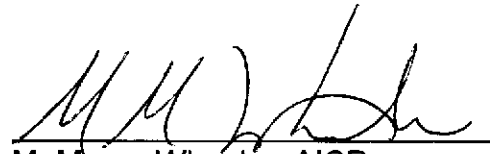
1. Adopt Resolution No. ____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN APPEAL BY DONALD SKEOCH FOR CASE 5.1285 CUP; AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A LIGHTED TENNIS COURT AT 3182 LAS BRISAS WAY."

PRIOR ACTIONS

On September 18, 2013, the City Council held a public hearing and received testimony. The City Council voted 4-1 to approve the appeal with conditions.



David H. Ready, City Manager



M. Margo Wheeler, AICP
Director of Planning Services

Attachment:

1. Draft resolution

ITEM NO. 26

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN APPEAL BY DONALD SKEOCH FOR CASE 5.1285 CUP; AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A LIGHTED TENNIS COURT AT 3182 LAS BRISAS WAY.

WHEREAS, Donald Skeoch ("Applicant") filed a Conditional Use Permit application, Case 5.1285 CUP, to allow a lighted tennis court at 3182 Las Brisas Way, Zone R-1-B, Section 38; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1285 CUP was given in accordance with applicable law; and

WHEREAS, on November 14, 2012, the Planning Commission carefully reviewed and considered all of the evidence presented on the project, including but not limited to the staff report, and all written and oral testimony presented and voted 3-2-2 to deny Case 5.1285 CUP, Resolution No. 6299 for a lighted tennis court at the property located at 3182 Las Brisas Way; and

WHEREAS, Donald Skeoch ("Applicant" and "Appellant") has filed an appeal, pursuant to Chapter 2.05 of the Municipal Code, of the Planning Commission's decision to deny Case 5.1285 CUP; and

WHEREAS, on September 18, 2013, a public meeting on the appeal was held by the City Council in accordance with applicable law; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the appeal hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to Municipal Code Section 2.05.030, the appellant's stated grounds for the appeal includes the following:

1. *"First, I went to the Palm Springs Planning Department personally to inquire about the building code related to residential tennis court lighting. I have diligently followed those requirements to their stated specifications. There is nothing in my plans that operate outside of these parameters. I was also informed that a lighted tennis court has been approved at Alta Development that is immediately adjacent to Estancias and that my approval "should not be an issue".*

2. "Second, my purchase was contingent upon the Homeowners Association's approval of the tennis court lighting. The Homeowners Association contacted ALL owners within the Estancias and I was told that 47 were in favor and only one disagreed... and this disagreement was **due exclusively to the hours of play** ...NOT the lighting of the tennis court.
3. "Third, in order to move forward with my purchase, I requested a letter memorializing the approval of the lighted tennis court. Attached is the agreement dated February, 1, 2012 from the Estancias Homeowner's Association providing blanket approval signed by the President and Vice President of the board. That letter reads,

"My purchase is contingent on my ability to build a lighted tennis court that is consistent with the City's building codes."
Further
"Agreement that I have the Estancias Homeowners Association's permission...to allow for the construction of a lighted tennis court in the development."

4. "Fourth, in July 2012, I submitted my construction plans (including a lighted tennis court) to the Estancias Homeowners Association's architectural review committee for approval. I received approval via the attached letter dated July 27th, 2012."

5. "Fifth, I have also paid for a circumference mailing required by the Palm Springs Planning Department to notify surrounding residents of my intentions. A total of 53 letters were distributed. Far West Industries owns 14 of these lots and has approved my request. Twelve of these lots are located in the adjacent Alta development in which a lighted tennis court was recently approved. There was only one disagreement of the 53 notifications. This is precisely why I insisted on having these terms memorialized in a blanket agreement prior to my purchase. Lastly, I have spent over \$41,000 on the development of these plans. Consequently, I have made significant financial investment here."

SECTION 2. In response to the above, the City Council finds as follows: the review of a Conditional Use Permit application is discretionary and requires input and discussion gathered through a public hearing process. The City Council conducted a public hearing to obtain input from the surrounding neighborhood and determined that a lighted tennis court at 3182 Las Brisas Way will not be detrimental to the surrounding community from potential light spillover and noise.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby approves the appeal of Case 5.1285-CUP for a lighted tennis court, subject to conditions contained in Exhibit A, which is attached hereto and made part of this resolution.

ADOPTED this 2nd day of October, 2013.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. ____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

EXHIBIT A
Conditions of Approval
Case 5.1285 CUP

1. The tennis court shall be sunken to at least 3' below natural grade.
2. There shall be no more than 3 light standards on each side of the court.
3. There shall be a 10 foot masonry wall surrounding the court.
4. The court shall not be lit nor used after 10 p.m.
5. The home may not be used as a vacation rental.
6. There shall be a landscaped berm constructed in the setback area, subject to approval to the Department of Planning Services.

END OF CONDITIONS



City of Palm Springs

Office of the City Clerk

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EXCERPTS OF MINUTES

At the City Council meeting of the City of Palm Springs held September 18, 2013, the City Council took the following action:

1. **PUBLIC HEARINGS:**

1.A. **APPEAL OF THE PLANNING COMMISSION DECISION BY DONALD SKEOCH TO APPROVE A CONDITIONAL USE PERMIT FOR A LIGHTED TENNIS COURT AT THE ESTANCIAS DEVELOPMENT LOCATED AT 3182 LAS BRISAS WAY (CASE 5.1285 CUP):**

ACTION: Direct staff to prepare a resolution with findings overturning the Planning Commission decision and approving the Conditional Use Permit for lighted tennis court, including conditions of approval to provide: (i) maximum of three LED lights on each side, (ii) court to be sunken three feet with ten foot masonry wall, (iii) berming the landscaping, (iv) 10:00 p.m. curfew for use of the court, and (v) prohibiting the use of the property as a vacation rental property. **Motion Councilmember Hutcheson, seconded by Mayor Pougnet and carried 4-1 on a roll call vote.**

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that the above action was taken by City Council of the City of Palm Springs on the 18th day of September, 2013, by the following vote:

AYES: Councilmembers Foat, Hutcheson, Mayor Pro Tem Mills, and Mayor Pougnet.
NOES: Councilmember Lewin.
ABSENT: None


JAMES THOMPSON
City Clerk